



## **City of Marlborough License Board**

140 Main Street, Lower Level  
Marlborough, MA 01752  
(508) 460-3751 FAX (508) 460-3625

### **Minutes of the License Board Regular Meeting Held July 22, 2015 at 7:30 am, City Hall, 1<sup>st</sup> floor, Council Committee Room**

Attending: Walter Bonin, Chairman; Gregory Mitrakas, Member; David Bouvier, Member and Tina Nolin, Clerk

Meeting called to order by Walter Bonin, Chairman at 7:32 PM

#### **New Business**

##### **1. One Day Permits**

- **ITAM** – 2 permit requests, GM motioned for approval, DB seconded, Approved 3-0
- **Moose Lodge 1129** – 8 permit requests, GM motioned for approval, DB seconded, Approved 3-0
- **Tasty Home Cookin'** – 6 permit requests, GM motioned for approval, DB seconded, Approved 3-0
- **Greek Church – Greek Festival** – 1 permit request, GM motioned for approval, DB seconded, Approved 3-0
- **Oktoberfest** – 1 permit request, GM motioned for approval, DB seconded, Approved 3-0
  
- **Automatic Amusement Licenses** – 2 licenses applications for the ITAM, GM motioned for approval, DB seconded, Approved 3-0

##### **2. Beer & Wine License Application – Kindles Brick Oven Pizza – Dave Champeau Owner Public Hearing opened at 7:36**

David Champeau presented application for his pizza restaurant quick service eat in restaurant with Beer and Wine being a compliment to the brick oven experience.

Chairman WB requested from public any pro/positive comments – none voiced

Chairman WB requested from public any objections – none voiced

Chairman WB requested from public any questions – none asked

**Public Hearing was closed at 7:38 PM**

DB      motioned      for      approval,      GM      seconded,      Approved      3-0

**3. Welly's Change of Premise Application: outside seating**

**Public Hearing opened at 7:41**

Michael McGuire if the EDC presented Welly's application citing it as a further step to revitalize downtown and add trendy outside seating. All ADA rules and regulations have been addressed and applied and so Mr. McGuire was requesting Board approval of the application. Chairman WB requested from public any pro/positive comments – none voiced

Chairman WB requested from public any objections – none voiced

Chairman WB requested from public any questions – none asked

**Public Hearing was closed at 7:44 PM**

Chairman WB – agreed that their application was in keeping with the City's passing of an ordinance to increase outdoor dining and evening downtown traffic. GM agreed.

Chairman WB also addressed issue of storage of table and chairs and fence – and said it would need to be indoors. Mr. McGuire said Welly's had the means to do that and would relay that information to them.

Member GM motioned for approval, Member DB seconded, Approved 3-0

**Zarape Change of Premise Application: outside seating** – established restaurant interested in adding outdoor seating to its location.

Member GM recused himself from the discussion and abstained from voting due to location of restaurant to relatives owning property on the street.

**Public Hearing opened at 7:47**

Seating area would be in area to the side of the restaurant – owners own the house. Fence, tables and chairs would be temporary and moveable when they need to get to the back of the establishment for trash, etc. 5 tables each seating 4 people close it at 10:00 pm with last call at 9:30. Discussion also re: entrance to "patio" – it will be only from inside the restaurant.

Chairman WB requested from public any pro/positive comments – none voiced

Chairman WB requested from public any objections –

Ms. Weinberg (6 Warren Ave) – runs a group home for disabled adults around the corner and is very concerned with parking as it is already a huge problem and now they are adding even more seating. (Photos were presented showing the parking situation in the neighborhood during evening business hours). Noise is also a big concern – it was stated that even now when people and employees leave and are saying good bye and chatting, etc. it is very loud at 10 o'clock or later at night. Feeling is people sitting outside with alcohol will only make the problem worse.

Another neighbor who is a direct abutter expressed the same concerns noted above – parking, noise – noise is customer talking as they leave.

Member DB asked if there was employee parking available besides on the street. Owner said it is possible that they can rent parking at Kane Storage, like they do in the winter for employees and possibly even for some customer parking.

Chairman WB requested from public any questions – Ms. Weinberg asked about the city ordinance and the time it specified. She was given the area covered by the ordinance and that the time limit was 10:00 pm.

**Public Hearing was closed at 8:10 PM**

Chairman WB stated that the only way he could support the application was for Zarape to obtain permission for employee parking somewhere off-site and to bring in the information to the Board's office and to make it very clear that no one may park behind the building during open hours. Given the neighborhood concern for noise – Chairman WB suggested a 9:00 pm closing for the outdoor patio and if noise became problematic, as with any establishment, they would need to come before the board and have it addressed. People in attendance were reminded that the area is zoned as business district.

Member DB motioned for approval with the hours of operation being from 12:00 pm to 9:00 pm, with everyone out of the outside seating by 10:00 pm and that off-site employee parking must be found. Chairman WB seconded, Approved 2-0, with 1 abstaining.

Chairman WB made it clear to neighbors that if noise increases and it becomes a nuisance they can come into the board. Likewise, the owner of Zarape's was told, if the hours prove to constricting they may come in apply for an increase.

**4. MARCO BREW – change of license restriction request**

Tharwat Henen appeared before the board to ask for the current restriction on his license governing how much floor space can be allotted to beer in wine in his store could be lifted. He expressed that people were coming in and looking for more variety – which as things currently stand he did not have space to offer and it was hurting his business as they then went elsewhere to shop, and with Walgreens now close by he is evening struggling with the ancillary products he has to sell in convenience.

Member GM said he agreed things are different now, but he would still like to see it kept to as more convenience plus beer and wine and not a full blown package store.

Chairman WB said he can't agree as there had been a beer and wine store with a few convenience items on that location in the past and therefore they can't very well say no to it now.

Member DB asked how much he wanted to increase the space by. He was told the same space for the most part but a different configuration.

After a call for any more discussion, Member DB motioned to approve the removal of the license restriction that "total retail floor, shelf, cooler display space dedicated to sales of beer/wine shall **not exceed 25% of the total retail space** dedicated for the sale of all products in the convenience store as shown on the attached floor plan on file at the License Board Office."

Chairman WB seconded it, vote approved it 2 in favor – 1 nay. Chairman WB – approved, Member DB, approved, Member GM – nay.

- 5. Request for Class II Car Dealership License** – Joseph Lovelle, Specialized Mechanical Cleaning Service. Plan is to buy cars at auction and clean, repair and sell them. There will not be any cars kept here in the city – here will basically be the business office where records are kept.

Chairman WB reminded Mr. Lovelle, that he will need a sign outside of his office showing where the business entrance is so that if he were to get audited the inspectors would know where to go. Member GM motioned to approve, Member DB seconded, approved 3-0.

- 8. Review minutes** – Regular meeting, June 24, 2015

Chairman WB motioned approval and place on file, Member GM seconded, Approved to file 3-0

Motion made to adjourn: 8:49 PM by Member GM, Seconded member by DB, vote: 3-0 for adjournment.

Respectfully submitted,

A handwritten signature in black ink that reads "Walter Bonin". The signature is written in a cursive, slightly slanted style.

Walter Bonin, Chairman

**Copies of public documents related to these minutes are available upon request at the  
Licensing Board Office at 140 Main Street, Lower Level, Marlborough, MA 01752**